

## **REMARKS**

The above listed claim amendments and the following remarks are believed fully responsive to the Office Action dated June 26, 2007 and to the Notice of Non-Complaint Amendment (37 CFR 1.121) issued on January 23, 2008.

By this response, claims 32, 42, and 46 have been amended and claims 1-46 remain pending in the Application.

### **Non-Compliance**

The Notice of Non-Complaint Office Amendment states that each claim was not provided with the proper status identifier. Claims 42 and 46 have been properly identified as currently amended.

### **Support for the Claim Amendments**

Support for the amendments to claims, including inadvertent, typographical errors in claims 42 and 46, can be found throughout the application as filed. Entry of the amendments is respectfully requested.

### **Objection to the Drawings**

The drawings stand objected to by the Draftsperson under 37 C.F.R. § 1.84 according to the notice provided with the Office Action. Replacement sheets 1-46 accompany this response and are believed to meet all grounds of objection forwarded by the Draftsperson. Please note, Fig. 24a should have read “700a,” rather than “700b” as originally filed. Withdrawal of the objection is respectfully requested.

### **Claim Rejections 35 U.S.C. §§ 102, 103**

Claims 24, 25, 27, and 28 stand rejected under § 102(b) as being anticipated by U.S. Pat. No. 5,544,689 (“Wegner”) and Claims 1, 2, 7-10, 12-23, 29, 30, and 32-45 stand rejected under § 103(a) as unpatentable over Wegner. Each of the independent claims

(claims 1, 20, 24, 32, 42, and 46) stands rejected as either anticipated or unpatentable over Wegner.

Claims 3, 4, 11, 26, and 31 stand rejected under § 103(a) as unpatentable over Wegner in view of U.S. Pat. No. 6,618,998 (“Thomas”); Claim 5 stands rejected under § 103(a) as unpatentable over Wegner in view of U.S. Pat. No. 6,082,432 (“Kissinger”); and Claim 6 stands rejected under § 103(a) as unpatentable over Wegner in view of U.S. Pat. No. 5,787,952 (“Wegner ‘952”).

Claim 1 relates, in part, to a door including a window sash movable in vertical channels and a retractable screen assembly attached to the door. The retractable screen assembly includes a roller; a flexible screen attached at a first end to the roller and at a second end to the movable window sash; and a biasing mechanism adapted to apply a continuous torque to the roller, the torque generating a positioning force on the window sash equal to at least 50% of the force of gravity acting on a window sash, such that the window sash can be positioned at an infinite number of locations along the vertical channels.

Wegner describes and shows screen material 16 attached to the bottom of window sash 44 in association with a constant-force spring 34 such that “[o]pening of the window causes the screen material 16 to be raised.” *See, e.g.,* Wegner col. 5, ll. 4-11 (emphasis added) and FIG. 1. Wegner states that “[t]he window remains open without the application of an extraneous device” and that “[t]he nature of the constant-force spring 34 provides for this on windows with even a minimal resistance to movement.” *See, e.g.,* col. 5, ll. 48-51. Wegner specifically teaches that the constant-force spring 34 should not exert a substantial force on the window sash 44. *See also, e.g.,* col. 2, ll. 25-27 (“This spring makes possible retraction of the screen material without itself pulling the window closed.”) (emphasis added).

In view of the foregoing, Wegner fails to teach, suggest, or otherwise provide for the limitations of claim 1 relating to a torque of a retractable screen assembly roller generating a positioning force on a window sash equal to at least 50% of the force of gravity acting on the window sash. If Wegner were modified in the manner proposed in the Office Action, the window sash would be pulled closed, rendering Wegner unsatisfactory for its intended

purpose. See MPEP § 2145(III)(X)(D). Instead, Wegner specifically teaches away from such limitations by providing that the constant-force spring 34 does not pull down the sash 44 on windows with even a minimal resistance to movement. See *id.*

The remaining references are not cited for, nor are they believed to properly provide such limitations. For example, the inserts of Thomas are described as being supported by counterbalances, latches or frictional forces, but there is no provision for screen module 20 applying a positioning force to the inserts (see, e.g., Thomas at col. 6, ll. 36-38); Wegner '952 describes a similar configuration to Wegner (see, e.g., Wegner '952 at col. 6, ll. 11-17 and 48-52); and Kissinger is directed to a screen pan that horizontally spans a door frame (see, e.g., Kissinger at abstract). Still further yet, and as previously described, Wegner teaches away from the limitations of claim 1 and/or would render Wegner unsatisfactory for its intended purpose and thus is not properly combinable to provide such limitations.

In view of the foregoing, claim 1 is believed patentable over the cited references. The remaining independent claims can be similarly distinguished from the cited references. For example:

See the limitations of claim 20, such as a flexible screen attached at a first end to a roller and at a second end to an upper edge of a movable window sash and a retraction mechanism continuously acting on the roller to generate a continuous positioning force on the window sash having a magnitude of at least 20% of the force of gravity acting on a window sash.

See the limitations of claim 24, such as a flexible screen attached at a first end to a roller and at a second end to an upper edge of a movable window sash, much less a retraction mechanism adapted to provide a continuous positioning force on the window sash.

See the limitations of claim 32, such as attaching a first end of a flexible screen to a roller and a second end to an edge of the window sash and continuously applying a positioning force to the window sash by applying a torque to the roller, the positioning force equal to at least 50% of the force of gravity acting on a window sash.

See the limitations of claim 42, such as attaching a first end of a flexible screen to a roller and a second end to an edge of the window sash; and continuously applying a torque to the roller, the torque generating a positioning force having a magnitude of at least 20% of the force of gravity acting on a window sash.

See the limitations of claim 46, such as positioning a flexible screen attached to the window sash across an opening formed by movement of the window sash; and applying a continuous positioning force to the flexible screen, the positioning equal to at least 20% of the force of gravity acting on the window sash.

The remaining claims depend, in some form, from one of independent claims 1, 20, 24, 32, 42, or 46, which, as previously described are believed allowable over the cited references. In view of the foregoing remarks, all of pending claims 1-46 are believed to be in condition for allowance. Withdrawal of the rejections, allowance of the claims, and notice to that effect are respectfully requested.

### **CONCLUSION**

The Applicant believes that all pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully submitted,

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Dated: February 19, 2008